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June 30, 2023

BY ECF

Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Gabino Genao v. City of New York, et al., 21-CV-00303 (AT) (VF)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter. Defendants City, Harvey, Dillard, Moise, Hidalgo, Lisichkin, La Touché,¹ Brann, and Firsov² write to respectfully request a thirty day extension of time, from July 4, until August 4, 2023 to file any objections to the Court's June 20, 2023 Report and Recommendation. See Docket Entry No. 97. Defendants were unable to obtain plaintiff's position on this request due to his incarcerated status.³ This is defendants' first request for an extension of this deadline.

By way of background, *pro se* plaintiff alleges, *inter alia*, that on or about December 15, 2020, officers arbitrarily sprayed him with a fire extinguisher, subjecting him to excessive force. See Docket Entry No. 2. Discovery closed in this matter on May 31, 2022. See Docket Entry dated May 5, 2022. On September 30, 2022, defendants moved for summary judgment. See Docket Entry Nos. 74 – 77. Plaintiff opposed defendants' motion, and defendants replied. See Docket Entry Nos. 83, 85. Defendants then submitted supplemental briefing, at this Court's

¹ S/H/A La Trouche.

² S/H/A Fersov.

³ Defendants scheduled a call with plaintiff's facility for June 30, 2020 at 10:30 A.M. to, *inter alia*, obtain his position on this request. Prior to the call, at 9:47 A.M., the facility informed the undersigned that plaintiff walks with the assistance of a cane, and that he fell twice on the way to the phone area. Therefore, the facility cancelled the call so that they could return him to the housing area for his own safety.

direction. See Docket Entry No. 91. Plaintiff objected to defendants' submission. See Docket Entry Nos. 92 – 94.

On June 20, 2023, the Court issued a Report and Recommendation, both granting and denying defendants' summary judgment motion. See Docket Entry No. 97. At the conclusion of that Order, the Court advised the parties that they have fourteen days (until July 4, 2023) to file any objections to the Report and Recommendation pursuant to Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1). Id. Due to other case commitments, and the upcoming holiday, defendants require additional time to review the Report and Recommendation, and determine if they have grounds to lodge any objections.

Therefore, defendants respectfully request a thirty day extension of time, from July 4, until August 4, 2023 to file any objections to the Court's June 20, 2023 Report and Recommendation.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Caroline McGuire
Assistant Corporation Counsel
Special Federal Litigation Division

GRANTED in part, and DENIED in part. By **July 18, 2023**, Defendants shall file their objections, if any, to the report and recommendation, ECF No. 97. The Court shall not grant any further extension absent a showing of good cause.

SO ORDERED.

Dated: July 3, 2023
New York, New York



ANALISA TORRES
United States District Judge